UNITED NATIONS

CRC

Convention on the Rights of the Child

Distr.
GENERAL

CRC/C/8/Add.9
18 September 1995

ENGLISH ONLY

COMMITTEE ON THE RIGHTS OF THE CHILD

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 44 OF THE CONVENTION

Initial reports of States parties due in 1993

Addendum

MYANMAR

[14 September 1995]

CONTENTS

		Paragraphs	Page
I.	INTRODUCTION	1 - 20	5
	A. Land and people	1 - 6	5
	B. Political and economic system	7 - 14	6
	C. Child-rearing practices and the social customs of Myanmar	15 - 20	7
II.	GENERAL MEASURES OF IMPLEMENTATION	21 - 42	8
	A. Measures taken to harmonize national law and policy with the provisions of the Convention	21	8
	B. The Child Law	22 - 28	9
	C. Strengthening the implementation of the Child Law	29 - 35	11

CONTENTS (continued)

		Paragraphs	Page
D.	Measures taken to involve the whole community in the implementation of the Convention . . .	36 - 38	12
E.	International coordination and cooperation . .	39 - 42	13
III.	DEFINITION OF THE CHILD	43 - 45	13
IV.	GENERAL PRINCIPLES	46 - 56	14
A.	Non-discrimination (art. 2)	46 - 47	14
B.	The best interest of the child (art. 3)	48 - 50	15
C.	The right to life, survival and development (art. 6)	51 - 53	15
D.	Respect for the views of the child (art. 12) .	54 - 56	17
V.	CIVIL RIGHTS AND FREEDOMS	57 - 72	17
A.	Name and nationality (art. 7)	57 - 59	17
B.	Preservation of national identity (art. 8) . .	60 - 61	18
C.	Access to appropriate information (art. 17) . .	62 - 64	18
D.	Freedom of thought, belief and religion (art. 14)	65 - 66	20
E.	Freedom of association and peaceful assembly (art.15)	67 - 68	20
F.	Protection of privacy (art. 16)	69 - 70	20
G.	The right not to be subjected to torture or other cruel, inhuman and degrading treatment or punishment (art. 37 (a))	71 - 72	21
VI.	FAMILY ENVIRONMENT AND ALTERNATIVE CARE	73 - 85	22
A.	Parental responsibilies (art. 18)	73 - 74	22
B.	Separation from parents (art. 9)	75 - 76	23
C.	Family reunification (art. 10)	77	24
D.	Children deprived of a family environment (art. 20)	78 - 79	24

CONTENTS (continued)

		Paragraphs	Page
E.	Adoption (art. 21)	80 - 81	25
F.	Illicit transfer and non-return of children abroad (art. 11)	82	26
G.	Abuse and neglect (art. 19), including physical and psychological recovery and social reintegration (art. 39)	83 - 84	26
H.	Periodic review of placement (art. 25)	85	28
VII.	BASIC HEALTH AND WELFARE	86 - 97	29
A.	Survival and development (art. 6, para. 2)	86 - 87	29
B.	Disabled children (art. 23)	88 - 90	30
C.	Health and health services (art. 24)	91 - 94	31
D.	Social security and child care (art. 26)	95 - 97	35
VIII.	EDUCATION, LEISURE, RECREATION AND CULTURAL ACTIVITIES	98 - 104	36
A.	Education, vocational education and guidance (art. 28)	98 - 100	36
B.	Aims of education (art. 29)	101 - 102	40
C.	Leisure, recreation and cultural activities (art. 31)	103 - 104	41
IX.	SPECIAL PROTECTION MEASURES	105 - 118	41
A.	Children in situations of emergency	105	41
B.	Children in conflict with the law	106 - 109	42
C.	Children in situations of exploitation	110 - 116	44
D.	Children belonging to a minority or an indigenous group	117 - 118	46
X.	CONCLUSION	119 - 129	47

List of annexes*

Map of the Union of Myanmar

Organization of National Committee

Formation of National Committee on the Rights of the Child

Announcement No. 15/93

---

* The annexes may be consulted in the files of the Secretariat.

Introduction

A. Land and people

1. The Union of Myanmar is located in South-East Asia within longitude 90° 10' east to 101° 11' east and latitude of 9° 30' north to 28° 31'north with an area of 261,228 square miles (676,577 sq km). Myanmar is bounded by the People's Republic of China and the Lao People's Democratic Republic in the east, Thailand in the south-east, the People's Republic of Bangladesh and the Republic of India in the west. The total length of the international boundary with the neighbouring countries is 3,826 miles (6,157 km). The Andaman Sea and the Gulf of Martaban are situated in the south of the Union and the Bay of Bengal in the west. The coastal regions of Myanmar are the Rakhine coast, the Delta region and the Tanintharyi coastal strip with a length of 1,385 miles (2,228 km).

2. Two thirds of the total area of Myanmar lies in the tropical zone and the remaining one third in the temperate zone. The country is located in the tropical monsoon region with three seasons, the hot season, the wet season and the cold season. The total estimated population of Myanmar in 1992/93 is 42,330,000 with 20,980,000 males and 21,350,000 females. The total population of young people under 15 years is 14,900,000, the working population between the ages of 15 and 59 years is 24,660,000 and the population above 60 years is 2,770,000.

3. The Union of Myanmar is divided into 7 states (Kachin, Kayin, Kayah, Chin, Mon, Rakhine, Shan) and 7 divisions (Saging, Tanintharyi, Pago, Magwe, Mandalay, Yongon, Ayeyarwaddy) and is inhabited by 135 ethnic nationalities. The main nationalities are Kachins, Kayins, Kayahs, Chins, Mons, Barmars (Burmese) Rakhine, Pao, Kokan and Wa, of whom the Burmese are the majority. Most of the people are Buddhist and because of the freedom to embrace any religion, there are Christians, Muslims, Hindus and others. Some profess animism and worship nats (spiritual deities) according to their traditional beliefs. Religious festivals of different faiths are held with the assistance of the Government.

4. Myanmar has abundant natural resources. Agricultural and forest products were the two main products for export in the year 1993/94. Apart from these two resources, other natural resources are crude oil, natural gas, wolfram, gold, tin, copper, jade, gem and coal. Although Myanmar is an agricultural country, it is striving to become an agro-based industrial country. The majority of the people (80 per cent of the total population) are farmers residing in rural areas. The economy of the country depends on the agricultural activities in rural areas and rice constitutes a principal source for generating foreign exchange. The cultivable land in the whole country is 20,860,000 acres with the production target of 800 million baskets* of paddy set for the year 1993/94. The State is trying its best to promote the standard of living of the farmers and the country's economy depends on the agricultural activities. According to 1992/93 data, the net productive value of the livestock and fishery sector is 4,098.8 million kyats.

---

* 800 million baskets = 27.21552 tons (in millions)

5. The inflation rate was 30 per cent on 31 March 1994; the individual per capita income in 1993/94 was kyats 1,272. The individual per capita consumption rate was kyats 1,116 and the net domestic product was K 3,459 (US$ 532.15).

6. According to the data in 1993/94 the annual rate of increment in population was 1.88 per cent; the unemployment rate was 4.12 per cent; and the literacy rate was 78 per cent according to 1990/91 data.

B. Political and economic system

7. The people of Myanmar have lived for thousands of years under sovereign Myanmar monarchs. According to Myanmar chronicles, its ancient history goes back to 300 B.C. with a multitude of small sovereign states such as Tagaung and Thaton. When powerful monarchs ascended the throne, however, these small sovereign States were united and an empire was founded. Anawratha (1044-1077) was the first king who united the country and founded the First Myanmar Empire. The Second Myanmar Empire was established by Bayintnaung (1551-1581) in 1551, and the Third Myanmar Empire was founded by Alaungpaya (1752-1761) in 1752.

8. Though customs may vary and languages differ, the various national races lived together as members of one family in the land of Myanmar from time immemorial. They have worked together and shared hardship and joy together. When the country was threatened, they fought common enemies together with resolute will. However, after the three Anglo-Myanmar Wars in 1825, 1852 and 1855, the country fell into servitude in 1885.

9. Although Myanmar had to stay under colonial rule for more than 100 years, the spirit of the Myanmar people was never vanquished. Their courage and sense of nationalism enabled them to fight against the colonialists with whatever weapons they could lay their hands on in order to regain their lost independence. The anti-colonialist movement was started in 1897 by the patriotic youths of Myanmar. In 1941, the Burmese Independence Army (BIA) was formed under the leadership of General Aung San. BIA, with the collaboration of the Japanese Army, drove the British from the country. However, the Fascist Japanese were cruel to the people and on 27 March 1945, the anti-Fascist revolution began. After the revolution, Myanmar fell again under British rule but it regained its independence due to the concerted efforts of all the races of the country on 4 January 1948.

10. After gaining independence from the colonialists, the country was governed according to the 1947 constitution. When the country was on the brink of destruction, the armed forces stepped in and formed a caretaker government on 28 September 1958. General elections were held in 1960 and power was handed back to the politicians. In 1962, there arose a demand for federal rule which caused deep divisions within the country and led to a secessionist movement. To avoid bloodshed between the national races, the armed forces once again took over the power of the government on 2 March 1962. On 4 July of the same year, the Burma Socialist Programme Party was founded. On 3 January 1974 a new constitution was promulgated.

11. In 1988, because of machinations of internal and external destructive elements, the country was on the brink of disaster and once again, on 28 September, the armed forces took over the power of the government to safeguard the lives and interests of the people and formed a new government under the State Law and Order Restoration Council (SLORC). SLORC launched a multi-party democracy system and introduced economic changes based on a market-oriented economy. The economy of the country was deteriorating rapidly in 1985/86 because of regression of trade with other countries and the weakness of the centrally controlled economy; there was a decrease in the production of goods and also in investments. After taking up the responsibilities of the State, SLORC declared to undertake the four main duties, one of which was to hold a general election. Thus, a multi-party democracy election commission law was promulgated on 21 September 1988. The general election was held successfully on 27 May 1990. The National Convention to draw a new and enduring constitution began its work on 9 January 1993.

12. After taking over the duties of the State on 8 September 1988, SLORC stated in notification order 3/88 that it would continue to practice an independent and active foreign policy. This notification reaffirms Myanmar's stand on foreign affairs and the continuity of its policy. The continuity of Myanmar's foreign policy is evident since its basic principles are based on the principles and purposes of the Charter of the United Nations. They include, among others, the five principles of peaceful coexistence, non-alignment, respect for international peace and security, friendly relations with all nations on the basis of mutual respect and equality in spite of differences in political and economic systems, and analysing each international issue on its merits. Since domestic political and socio-economic policies reflect on foreign policy the country's adoption of a market-oriented economy and multi-party democracy are new initiatives in Myanmar's foreign policy.

13. As a result of Myanmar's transformation from the socialist economic system to a market-oriented economic system, private entrepreneurs, foreign companies, as well as joint ventures have flourished alongside the State sector. Trade relations between Myanmar and other countries have also developed. Due to the overall restructuring and development policy of the Government, there is progress in the promotion of trade and an increase in the volume of trade with foreign countries. It also creates a favourable climate for foreign investment.

14. Beginning in 1989/90 side by side with the economic transformation, plans have been drawn up for social development. The Foreign Investment Commission was formed to develop the economy of the country, to increase income from exports, to acquire high technology and skill and to promote foreign investment. Social development can take place only when there is political and economic stability.

C. Child-rearing practices and the social customs of Myanmar

15. The preachings (teachings) of the Lord Buddha have a vast influence on the social customs of Myanmar as the majority of the people of the country are Buddhists. The Lord Buddha preached that looking after the welfare of the

child is the duty of the parent. Women in maternity are used to praying to the Lord Buddha for the welfare of the child and to have the blessings from the three Gems. The father also is responsible for the mental and physical development of the child and thus has to plan an appropriate healthy environment for the child.

16. The Lord Buddha stated in his preachings that parents are the first teachers of the child and thus in Myanmar culture, parents are regarded to be mainly responsible for the wholesome development of the child. Children are highly valued and thought to be the most important property of the parents, often referred to as "the precious jewels". The duties of the parents laid down by the Lord Buddha are: (a) to restrain the child from vice; (b) exhort him to virtue; (c) train him to a profession; (d) in due time hand over his inheritance; (e) contract a suitable marriage for him. It is the custom of the people of Myanmar to carry out these duties cheerfully as children are regarded as gifts of one's destiny given to mortals to have joy and happiness in the family. The parents' task of taking good care of their children has always been a Myanmar custom since the early days of Myanmar history.

17. The extended family pattern is still practised in Myanmar and thus the child receives loving care not only from the parents but also from relatives such as the grandparents, aunts and uncles who share the same home.

18. An excellent custom in Myanmar is the community taking part in looking after the child. The teachers not only teach academic subjects but also teach and train the child to become an outstanding person with a good moral character. The curriculum also includes materials for moral development. Parents in the rural areas put their child in the care of monks at the monasteries. Up to the present day, the monks not only educate the child to read and write but also teach moral lessons. Religious classes for children are held in various townships during the holidays to promote the moral development of the children.

19. Abandoned children and orphans are taken care of by the monasteries and the communities. Monastic education is now established not only in the rural areas but also in the towns and cities. The system allows the child to learn moral lessons as well as academic lessons. Child caring is done not only by the State organizations but also by other voluntary non-governmental organizations. The Red Cross and the Union Solidarity and Development Association are also undertaking programmes to enhance the moral development of the youths.

20. Children's Day is commemorated annually on 13 February, the birthday of the leader of the country, General Aung San. Story-telling contests, poem-recitation contests and sports activities are held at the schools and also at nurseries and day-care centres under the Department of Social Welfare with a view to promoting the cognitive development of the child.

II. GENERAL MEASURES OF IMPLEMENTATION

A. Measures taken to harmonize national law and policy with the provisions of the Convention

21. Myanmar became a party to the United Nations Convention on the Rights of the Child on 15 August 1991 after signing the Convention on 16 July 1991. The

State Law and Order Restoration Council promulgated the Child Law as State law on 14 July 1993 to implement the rights of the child recognized in the Convention. The Government formed the National Committee on the Rights of the Child to implement the provisions of the law effectively and successfully. In 1990 plans of action were adopted for the survival, protection and development of the children of Myanmar. The implementing agencies of the plans of actions are the Department of Health, the Department of Education and the Department of Social Welfare.

B. The Child Law

22. Chapter V, section 8 of the Child Law states that "The state recognizes that every child has the right to survival, development, protection and care and to achieve active participation within the community." Sections 65 and 66 state that the penalties of imprisonment for a term which may extend to six months or with fine which may extend to K 1,000 for anyone who contravenes the Law. The Department of Social Welfare has taken the responsibility to implement the Early Childhood Development (ECD) project. In accordance with this project, expansion of ECD centres, training courses for child minders and distribution of curricula and teaching aids have been carried out by the Department.

23. With regard to children in especially difficult circumstances (CEDC), the aim of the national plan of action is to give appropriate protection to and promote the standard of living of these children. In accordance with this aim, orphans, children in especially difficult circumstances, street children and disabled children are given proper academic education and also vocational education. Plans of action have been adopted and implemented for those children.

24. With regard to education, section 20 of the Child Law states as follows:

"(a) Every Child shall have:

"(1) opportunities of acquiring education;

"(2) the right to acquire free basic education (primary level) at state schools;

"(b) The Minister of Education shall implement:

"(1) a system of free and compulsory primary education;

"(2) measures as may be necessary for regular attendance at schools and the reduction of untimely drop-out rates;

"(3) arrangements for children who are unable for various reasons to attend schools opened by the state, to become literate."

25. The main objectives of the Basic Education Law (1973), section 3, are as follows:

(a) To enable every citizen of the Union of Myanmar to become a physical and mental worker well equipped with a basic education, good health and good moral character;

(b) To lay the foundations for appropriate vocational education and training;

(c) To give priority to the teaching of science capable of strengthening and developing the productive forces;

(d) To give priority to the teaching of arts capable of preserving and developing the culture, fine arts and literature of the State;

(e) To build a firm base for the pursuance of university education.

26. The Myanmar Naing-Ngan Education Committee was formed in 1991 with a view to establishing an education system compatible with the State's political, economic and social system, help uphold Myanmar's cultural traits and contribute to the development of the country. The Myanmar Naing-Ngan Education Committee is undertaking the following duties:

(a) To advise the Government in enacting educational laws which will support the perpetuation of the physical integrity of the Union, national solidarity and national sovereignty;

(b) To advise the Government in adopting educational policies in line with the social, economical and political system;

(c) To give guidance in implementing programmes to promote the intellectual and technical advancement of the people of Myanmar;

(d) To advise the Government in reviewing and amending programmes in the educational sector if necessary;

(e) To give guidance in the cooperation with the international development agencies, and educational organizations for the implementation of educational programmes.

27. Concerning the child's right to health, section 19 (a) of the Child Law states that every child has the right to enjoy health facilities provided by the State. Section 19 (b) states that the Ministry of Health shall:

(a) Lay down and carry out measures for the survival of the child, immunization of the child, breast-feeding of the child, family planning, adequate nutrition for the child, elimination of iodine deficiency disease, school health and family health;

(b) Lay down and carry out appropriate measures for the gradual abolition of traditional practices prejudicial to the health of the child;

(c) Carry out measures to minimize the child mortality rate and maximize the population of healthy children.

28. A high-level National Health Committee has been formed to promote and enhance the health standards of the people of Myanmar.

C. Strengthening the implementation of the Child Law

29. The United Nations General Assembly adopted the Convention on the Rights of the Child on 20 November 1989. On 16 July 1991, Myanmar became a signatory to the Convention (with reservations on arts. 15 and 37). The National Seminar on the Convention on the Rights of the Child was held at the Institute of Nursing from 21 to 24 January 1992. The outcome of the seminar was the decision to promulgate a new law to safeguard the child's rights in line with the Convention. the Child Law was enacted on 14 July 1993, and in accordance with section 4 of the Law, which states that the Government shall form the National Committee on the Rights of the Child, the Committee was formed under notification order 15/93 issued on 30 September 1993. The Programme of Action for the Survival, Protection and Development of Children and Women in Myanmar for the period of 1991 to 1995 was also adopted. The Departments of Health, Education and Social Welfare are implementing these actions in collaboration with UNICEF.

30. Committees on the rights of the child are being formed at the State, division, district and township levels in accordance with section 6 of the Child Law. Juvenile courts are established within Yangon Division in accordance with notification order 42/92 dated 20 July 1992 of the Supreme Court. In accordance with section 40 (b) of the Child Law, the Supreme Court issued notification order 25/93 on 29 July 1993 to confer powers of a juvenile judge on a township judge in areas where juvenile courts have not been established.

31. The withdrawal of the reservations on articles 15 and 37 of the Convention on 15 October 1993 by the Government of Myanmar was duly notified to the Secretary-General of the United Nations.

32. By section 22 b (ii) of the Child Law, the Ministry of Information has been given the task to educate and disseminate through the mass media to ensure that children and their parents or guardians are made familiar with the rights and the moral values of the child. According to the programme of action on early childhood development, the mothers of the community were given training classes; early childhood development centres were established; manuals on child-caring were distributed to child care-givers; and educational classes were held for the government personnel who are engaged in child-caring services.

33. The National Committee on the Rights of the Child is vested with the following duties and functions as stated in chapter 4, section 5, of the Child Law.

(a) Protecting and safeguarding the rights of the child;

(b) Giving guidance as may be necessary in order that the relevant government departments and organizations may implement effectively and successfully the provisions of this law;

(c) Cooperating and coordinating as may be necessary activities of government departments and organizations, voluntary social workers and non-governmental organizations relating to children and reviewing from time to time the progress made;

(d) obtaining assistance and cooperation of the United Nations organizations, international organizations, voluntary social workers or non-governmental organizations relating to children;

(e) Giving guidance and supervision in obtaining donations and material from local and foreign voluntary donors and in making possible effective utilization of such donations in the interests of children;

(f) Laying down and carrying out work programmes in order to take preventive measures against occurrence of juvenile crimes;

(h) Reporting to the Government from time to time on the activities of the Committee;

(i) Carrying out functions and duties in respect of the child as assigned by the Government.

34. In implementing the functions, the Committee may:

(a) Form State, division, district or township committees on the rights of the child and determine the functions and duties thereof;

(b) Supervise, guide and assist in the activities of the Committees on the rights of the child formed under (a) above.

35. The allocation of office work and expenditure is as follows:

(a) The office work of the Commitee shall be undertaken by the Department of Social Welfare;

(b) The expenditures of the Committee shall be borne out of the budget of the Department of Social Welfare.

D. Measures taken to involve the whole community in the implementation of the Convention

36. In addition to classes held for volunteer child supervisors and in-service training for officers of the Department of Social Welfare to implement the rights of the child, activities relating to the rights of the child, protection and care were explained and discussed at the respective State, division and district levels.

37. The National Seminar on the Convention on the Rights of the Child was held from 21 to 24 January 1992 under the auspices of the Attorney General's Office with the collaboration of UNICEF. The Myanmar Medical Association, with the collaboration of UNICEF, held a workshop on "The Child's Right to Health" on 10 and 11 March 1992. A workshop on "The Child's Right to

Education" was also held as a joint effort by the Department of Basic Education of the Ministry of Education and UNICEF on 24 and 25 March 1992.

38. Activities to involve the community in the implementation of the Convention on the Rights of the Child have been promoted through the mass media.

E. International coordination and cooperation

39. After acceding to the Convention on the Rights of the Child, representatives from Myanmar attended the Second Regional Consultation on the Convention on the Rights of the Child held in Beijing from 1 to 11 August 1992, the Third Asian Conference on Child Abuse and Neglect held at Kualalumpur from 7 to 11 January 1993, the Asia-Pacific Training Programme on Monitoring and Reporting under the Convention on the Rights of the Child workshop held at Bangkok from 1 to 7 December 1993.

40. In accordance with the national programme, measures have been taken by the Department of Social Welfare to implement the activities for the development, protection and care for the child by carrying out the activities of early childhood development and projects for children in especially difficult circumstances with the collaboration of UNICEF.

41. The primary education project and the non-formal education project are implemented by the Ministry of Education with the collaboration of UNICEF. Functional literacy and skill-based literacy systems are being implemented in the non-formal education project. The Primary Education Project is aimed at the regular attendance of children in primary schools and a reduction in the number of school drop-outs. Investigations on children who do not attend primary school and on drop-outs were undertaken by the Department of Basic Education and UNICEF in 1990 and 1992.

42. The Child Survival Project, the Disparity Reduction Project, the Innovative Activities Project and the System Development Project are carried out under the Health and Nutrition Project by the Ministry of Health with the collaboration of UNICEF. Apart from these projects, the Rural Water Supply Project, the Handpump Manufacture Project and the Environmental Sanitation Project are carried out under the Water and Environmental Sanitation Project.

III. DEFINITION OF THE CHILD

43. According to section 37 (A) of the Myanmar Merchant Shipping Act a "young person" is defined as a person under 18 years of age. Section 2 of the Oilfield (Labour and Welfare) Act provides that a child is a person below the age of 15, and a minor is defined as a person between the age of 15 and 18. Section 3 (1) of the Mines Act defines that a child is a person who has not completed his fifteenth year. Section 2 (c) of the Government Savings Banks Act defines a minor as a person who has not attained the age of 18 years.

44. Section 2 (a) and section 2 (b) of the Child Law defines a child as a person who has not attained the age of 16 years and a youth as a person who has attained the age of 16 years but has not attained the age of 18 years.

45. Concerning the offences committed by a child, section 28 (a) of the Child Law states that a child under 7 years and under 12 years of age who has not attained sufficient maturity of understanding to judge the nature and consequences of his conduct on that occasion is exempted from penal action.

IV. GENERAL PRINCIPLES

A. Non-discrimination (art. 2)

46. Legal context:

(a) Section 14 of the Child Law states: "Every child shall, irrespective of race, religion, status, culture, birth or sex be equal before the law and be given equal opportunities". Other existing laws also give equal opportunities to women and children;

(b) Myanmar culture allows parents to choose an individual name for each child, i.e. there is no family name;

(c) In Myanmar a woman does not change her name when she marries. She keeps her own but she can change if she wishes to do so;

(d) A couple is legally recognized as man and wife if they sign a contract of marriage and cohabit publicly in the community.

47. Implementation:

(a) In accordance with the Child Law, in cases where a child is tried for an offence, protection will be given in respect of his age, character and circumstances. Measures are taken to give all children equal rights and privileges according to the law;

(b) From the period 14 July 1993 to 31 May 1994 children who needed protection and care and who were liable to commit offences were cared for by the Department of Social Welfare according to the Child Law. Out of a total of 510 children under the care of the Department of Social Welfare, 168 children were returned to the custody of their parents or guardians and 321 children were sent to a training school.

(c) In 1993/94, the Department of Social Welfare distributed rice, clothing and allotted K 10.8 million to 120 homes run by volunteer organizations for children under 18 in various States and divisions;

(d) Township hospitals, Maternal and Child Health centres, school health, rural health, etc. provide health care for children. Twenty-seven hospitals and 67 health centres have been established in the border areas for the children. The State Law and Order Restoration Council has spent K 96 million on these establishments;

(e) All children of Myanmar, irrespective of sex and religion, have an equal right to education.

B. The best interest of the child (art. 3)

48. Legal context:

(a) Section 20 (a) of the Child Law states that every child shall have opportunities of acquiring eduction and the right to acquire basic education;

(b) Section 26 of the Child Law states that every child may enjoy fully the rights mentioned in this Law. Government departments and organizations shall perform their respective functions to the fullest extent possible. Voluntary social workers or non-governmental organizations may also carry out measures as far as possible in accordance with the law;

(c) Section 27 of the Child Law states that persons with responsibility in respect of the affairs of children shall have as their objective the best interests of children, under the principle "First Call for Children", regarding protection and care of every child by the community.

49. Implementation:

(a) Students at primary and middle schools have the privilege of free tuition. Textbooks and stationery are distributed by the State. Stipends have been offered to children from remote areas and boarding schools have been opened in some schools for them;

(b) In accordance with the Child Law, the child officers investigate those children who need care and protection based on their age, characteristics and circumstances. Some of the children are returned to the custody of parents or guardians, some sent to training schools and some given treatment for drug-related problems, if required.

50. Constraints: the Government is striving to implement the Child Law. However, even with generous donations from the public, there are many constraints as the magnitude of the implementation work is great. Due to the high cost of living, the amount of money allotted by the State is not sufficient to meet the needs of the children. Hence, measures are being taken to overcome these difficulties with the help and support from local and international NGOs.

C. The right to life, survival and development (art. 6)

51. Legal context:

(a) Concerning the rights of the child, section 8 of the Child Law states that the State recognizes that every child has the right to survival, development, protection and care, and to participate actively in the community;

(b) Section 9 (a) states that every child has the inherent right to life and section 9 (b) states that parents or guardians shall register the birth of the child in accordance with the law;

(c) For the survival and development of mentally and physically disabled children, section 18 (a) of the Child Law states that a mentally or physically disabled child has the right to acquire basic education (primary level) or vocational education at the special schools established by the Department of Social Welfare or by a voluntary social worker or by a non-governmental organization. The child has the right to obtain special care and assistance from the State.

52. Implementation:

(a) Fifteen early childhood development centres have been established in Yangon and Mandalay divisions, for the physical and cognitive development of children from three to five years. Programmes have been adopted for the expansion of more centres in Mon and Shan States with the cooperation of the community.

(b) Since 1991 measures have been taken jointly by the Government and UNICEF to promote education and the all-round development of children including in the fields of primary education, programme assessment and support for the publication of Pyinnya-Tazaung (Brighten Education) magazine. Physical education and morals have been taught in schools to promote the physical, intellectual and moral development of children. Curricula for arts and other activities have been formulated and distributed. Students' sports festivals are held annually to uplift the standard of youth sports and to turn out brilliant athletes;

(c) Primary and middle school children representing the country regularly attend the annual meeting of children of the Asia-Pacific region held at Fukao, Japan, to exchange views and knowledge; this will promote the all-round development of children;

(d) The implementation of the programme for the development of health and nutrition plays an important role for child survival. Under this programme, children under one year of age and expectant mothers are immunized; the growth of the children is monitored; activities for the development of growth are reviewed; talks on health education and on systematic feeding of nutritious food to malnourished mothers and children are held monthly. Another activity under this programme is distributing nutritious food to malnourished children from 6 to 36 months old.

53. Constraints: Dissemination of health education to the community is vital to the survival and development of children. However, ineffective dissemination is a difficulty and an obstacle in implementation of the programme. In spite of arrangements made for information hand-outs and educational talks, people in remote areas do not have easy access to these activities and thus progress is slow. To overcome this obstacle, television relay stations are established in various parts of the country under the Border Development programmes. However, it is not possible to set up relay stations for all parts of the country and thus there is need for support from international organizations in this sector.

D. Respect for the views of the child (art. 12)

54. Legal context: Section 13 of the Child Law states that:

(a) Every child who is capable of expressing his or her own views, in accordance with his age and maturity, has the right to express his own views in matters concerning children;

(b) The views of the child shall be given due weight, in accordance with his age and maturity, by those concerned;

(c) The child shall be given the opportunity of making a complaint, being heard and defended in the relevant government department, organization or court either personally or through a representative in accordance with law, in respect of his rights.

55. Implementation: Periodicals are being published where children can express their imagination, ideas and desires through paintings, cartoons and essays. Apart from wall posters schools publish their own magazines. The Printing and Publishing Department of the Ministry of Information publishes 150,000 copies of the weekly journal Shwe Thway. Myawaddi Ltd., working jointly with the Government, publishes 50,000 copies of the periodical Moethauk Pan (Aurora), 100,000 copies of the pictorial Teza and 50,000 copies of the monthly Our Student. These periodicals not only serve to develop the mental faculties of the child but also articles and works of the children themselves are published. Communications media such as radio and television also report interviews with the children whenever possible.

56. Constraints: Involvement by the public and their knowledge of the subject are essential in promoting respect for the views of the child. In the dissemination of knowledge to the public, since the number of periodicals issued is insignificant compared to the population of the country, there are some constraints. In addition, there is also a shortage of printing materials and paper and lack of assistance from foreign organizations.

V. CIVIL RIGHTS AND FREEDOMS

A. Name and nationality (art. 7)

57. Legal context:

(a) According to section 9 of the Myanmar Citizenship Law, a child born in the country must be registered with the organization concerned within a year after he attains 10 years of age by the parents or guardiana. According to section 10 of the law, a child born abroad must be registered at the respective embassy or consulate by the parents or guardians within a year. Section 11 states that the penalty of payment of a fine of K50 annually for five years will be prescribed if the above rules are not followed;

(b) According to the Myanmar Citizenship Law, there are three types of citizens, namely a citizen, an associate citizen and a naturalized citizen. Thus, there is hardly a chance for a child to be stateless or to be deprived of his nationality;

(c) Myanmar culture allows the parents or the guardians freedom to choose an individual name for each child. There is no law or custom which dictates that the father's name should be adopted by the child;

(d) The Evidence Act (section 112) stipulates that any child born during a valid marriage between a woman and her spouse, or within 280 days after dissolution of the marriage with the mother remaining unmarried, it shall be conclusively proved that the offspring is legitimate.

58. Implementation: In Yangon and Mandalay, birth certificates are issued to children born at the hospitals operated by the Government; the Township Health Centres issue certificates to those born in the wards. In other cities and towns, health centres and, in some places, a health assistant issues the certificates. In other words, a birth certificate is issued as soon as the child is born and it is classified as a citizen, associate citizen, naturalized citizen or foreigner according to the existing law. The Department of Immigration and Manpower issues the respective registration cards when the child attains 10 years of age.

59. Constraints: Birth/death registration can be implemented only in 153 townships up to 31 March 1994. Thus, affidavits are used as birth certificates for people in remote areas. Plans for registration of births and deaths are being adopted, with the collaboration of UNICEF.

B. Preservation of national identity (art. 8)

60. Legal context:

(a) According to section 70 of the Myanmar Citizenship Act, a child has the right to a name, identity and nationality under the existing laws of Myanmar. An appeal can be submitted to the Cabinet, the highest authoritative body, if there is a hindrance in applying for citizenship;

(b) Section 10 of the Child Law states that every child shall have the right to citizenship in accordance with the provisions of the existing law.

61. Freedom of expression: Section 5 (A) of the Child Law states that every child has the right to freedom of speech and expression in accordance with the law.

C. Access to appropriate information (art. 17)

62. Legal context:

(a) Section 22 (a) of the Child Law states that every child shall have the right to access to literature, which will contribute to his or her all-round development and to acquire knowledge;

(b) Section 22 (b) of the Child Law states that the Ministry of Information shall:

(i) Produce and disseminate books for children;

(ii) Encourage the production and dissemination of children's books by non-governmental organizations and private publishers;

(iii) Collect and maintain children's books at the libraries established by the Department of Information and Public Relations by special arrangement;

(iv) Educate and disseminate by mass media to ensure that children and their parents or guardians are made familiar with the rights and morals of the child and that children have access to national and international news and information concerning them.

63. Implementation:

(a) The Department of Information and Public Relations has established free libraries for children in various townships as well as libraries in schools. Thus, children have easy access to books that are helpful for their development. Television Myanmar and Radio Myanmar have special programmes weekly for children. Special quiz programmes for children under 16 are also held. The Ministry of Information is mainly responsible for publishing children's literature. Books published jointly by the Government and the private sector and by the private sector alone are also available. To promote their language ability and enhance the knowledge of the children of Myanmar, the periodicals Shwe Thway and Aurora are published in both English and Myanmar. Apart from Teza, there are other publications from the private sector. The National Literature Award and the Sar-Pay-Beik-Man Literature Awards, which are awarded annually, include awards for children's literature;

(b) To promote the quality of teachers and students, educational journals such as monthly issues of Pyinnya-tazaung are distributed free to all primary schools. Quarterly issues of Pyinnya-Lokka are distributed and sold to schools. Books to enhance nationalistic spirit and research are also distributed. Reference books for primary students are imported from abroad by special arrangements and distributed to schools. The Department of Basic Education, in collaboration with UNICEF, has included some of the facts from "Facts of Life" in the curriculum for primary level and developed a teacher's guide for primary level. This teacher's guide has been tested at some primary schools and also is going to be expanded at the schools which are practising continuous assessment programmes.

64. Constraints: Distribution of children's literature is not sufficient as the Government is the only publisher and distributor. Publishing by the private sector remains weak as there can be a loss in investment. Children in remote areas have difficulty in obtaining books as the number of books reaching these areas is small. The expense of publishing books by the private sector is high as paper is expensive. Because of the high cost of books,

children cannot afford to buy them. Although Television Myanmar relay stations have been established in border areas, television sets are not generally available in all houses.

D. Freedom of thought, belief and religion (art. 14)

65. Legal context: Section 15 (b) of the Child Law states that every child has the right to freedom of thought and conscience and to freely profess any religion.

66. Implementation: Different races residing in Myanmar have the freedom to profess any religion of their choice. Among the population 89 per cent are Buddhists, 5.2 per cent are Christians, 3.8 per cent are Muslims, 0.5 per cent are Hindus and 1.5 per cent are believers of other faiths. The State renders assistance to Muslims on their pilgrimages to Mecca. It also assists Christians who go abroad for religious purposes. The State has declared special days of religious significance of denominations as official holidays.

E. Freedom of association and peaceful assembly (art. 15)

67. Legal context: Section 15 (c) of the Child Law states that every child has the right to participate in organizations relating to the child, social organizations or religious organizations permitted under the law.

68. Implementation:

(a) Registration of social organizations and religious organizations are permitted in Myanmar. The child has the right to join these associations of his own free will;

(b) Offices of the Union Solidarity and Development Association are established all over the country with the aim of all-round development and for the moral development of the children. The children can of their volition join the Red Cross societies;

(c) Sporting activities are regarded as a national task in Myanmar. Thus, students actively participate in the National Sports Festivals, Students' Festivals, and sports activities on a nation-wide scale. Students can play different roles entrusted to them in sports activities promoted by the State.

F. Protection of privacy (art. 16)

69. Legal context: Section 16 (a) of the Child Law states that in order that every child shall not be subjected to arbitrary infringement of his good name, personal freedom and security, relevant government departments and organizations shall provide protection and care in accordance with law.

70. Implementation: The children of Myanmar grow up normally devoid of mental disturbances within the family in accord with Myanmar traditions and customs.

G. The right not to be subjected to torture or other cruel, inhuman and degrading treatment or punishment (art. 37 (a))

71. Legal context:

(a) Section 27 (a) and (c) of the Child Law Prohibit the police officer or an authority from handcuffing, tying with a rope, maltreating and making threats when arresting a child accused of having committed an offence;

(b) Section 45 states that notwithstanding anything contained in any existing law, a death sentence, transportation for life or a sentence of whipping shall not be passed on any child;

(c) Section 71 of the Child Law states that notwithstanding anything contained in any existing law;

(i) A sentence of death or transportation for life shall not be passed on a youth;

(ii) If a sentence of imprisonment is passed on a youth, the maximum term of imprisonment shall not exceed 10 years;

(d) Section 66 (d) of the Child Law prohibit the wilful maltreating of a child, excluding admonitions, by a parent, teacher or guardian for the benefit of the child. Any person who commits the above offence shall, on conviction, be punished with imprisonment for a term which may extend to two years or with a fine amounting to K10,000 or both.

72. Implementation:

(a) In accordance with the law, the police officer or an authority is not permitted to handcuff the child or tie with a rope when taking him to juvenile court. The child who is accused of committing an offence is put in the custody of the Department of Social Welfare protection centre while he is on trial;

(b) Excessive punishment in the form of brutal beating is never allowed in the community, according to Myanmar custom. Only parental-like counselling and treatment is tolerated. A person who maltreats a child will be punished according to section 66 (d) of the Child Law;

(c) In taking care of convicted children and other children who require protection for various reasons, the State permits the social welfare methods of guidance and counselling. Torture is prohibited. Vocational education, formal education and a curriculum in social pursuits are offered to these children to enhance their future lot.

VI. FAMILY ENVIRONMENT AND ALTERNATIVE CARE

A. Parental responsibilities (art. 18)

73. Legal context:

(a) Section 30 of the Child Law states that every child shall abide by the following ethics and discipline:

(i) Upholding and abiding by the law;

(ii) Obeying the advice and instructions of parents or guardian;

(iii) Pursuing education peacefully in conformity with the guidance of teachers;

(iv) Abiding by school discipline, work discipline and community discipline;

(v) Cherishing and preserving the race, language, religion, culture, customs and traditions;

(vi) Abstaining from taking alcohol, smoking, using narcotic drugs or psychotropic substances, gambling and other acts which tend to affect the moral character of the child;

(b) Section 11 (a) states that the maintenance, custody and care of children, and cultivating and promoting the all-round physical intellectual and moral development of the child, shall be the primary responsibility of the parents or guardian;

(c) Lord Buddha gave moral advice to the expectant mothers on the survival and development of the child: "The mother must take great care of her sustenance, her mental attitude, and her way of life. The foetus in the mother's womb is intellectually developed within the first five months of conception and begins receiving the sensations. The mothers must comprehend this fact and avoid eating hot food, consuming food that is neither too hot nor too cold. The mother must try her best to be physically and mentally healthy and must cultivate an affectionate behaviour and a good philosophy of life".

74. Implementation:

(a) A birth-spacing project is implemented by the Government to promote the health of mothers and children. Township health centres and Township Myanmar Maternal and Child Welfare Associations are carrying out the activities under the guidance of State and division Departments of Health. Training courses are held and teachers guides for trainees are distributed. Training courses on birth-spacing have been conducted in 12 States and divisions;

(b) Township Myanmar Maternal and Child Welfare Associations, with the cooperation of Township Health Centres, provide medical treatment, educate

mothers about nutrition and supply nutritious food to malnourished children in their townships. Measures are taken to encourage mothers to cooperate in the immunization programme. Information about the advantages of breast-feeding is disseminated to mothers and prizes are awarded to mothers for systematic breast-feeding;

(c) Training courses are held by Myanmar Maternal and Child Welfare Associations to promote income-generating programmes for women such as livestock breeding and domestic enterprises;

(d) Training for child-carers are held by the Department of Social Welfare in States and divisions to promote the all-round development of children. Plans have also been adopted for the expansion of systematic study of traditional child-rearing practices;

(e) Classes in supervision of children are held to coordinate the activities of parents, guardians, community elders and organizations in caring for children who need protection due to various circumstances, for children who commit offences, and for children in normal situations;

(f) Parent-teacher associations are formed annually in all the basic education schools with the aim of promoting the development of students and the schools. To improve the quality of teaching activities in the schools, the school receives aid and support from the parents. Public involvement is quite high in educational developmental activities in Myanmar. Aid and support from the public for the needs of the schools are given through parent-teacher associations;

(g) The Department of Health, with the collaboration of UNICEF, has published a Myanmar translation of the book "Facts of Life". The Young Men's Buddhist Association holds contests about the book and awards prizes every year. Extracts from the book have been compiled in a teachers guide for use at basic primary schools.

B. Separation from parents (art. 9)

75. Legal context:

(a) Section 12 of the Child Law states that every child shall have:

(i) The right to live with and be brought up by both parents or any one parent if alive;

(ii) The right not to be separated forcibly from his or her parents except in a case where under law separation is necessary in the best interests of the child;

(iii) The right to maintain contact on a regular basis with parents lawfully separated, provided it is not prejudicial to the interests of the child;

(b) The Guardians and Wards Act has been enacted with regard to the guardianship of the child himself and his property. Guardianship can be

petitioned from the court for a child who has not come of age and for a child of divorced parents. Guardianship is decided by the court taking into account the best interests of the child. The court also makes the decision concerning regular meetings with the child by the parent who has lost custody of the child;

(c) Section 53 (a) of the Child Law states that the child of a female prisoner is allowed to stay together with its mother in prison until the age of four years if there is no one outside the prison to take custody and care of the child or if the child's mother so desires. Additionally, section 53 (b) states that if the mother desires, the child will be given permission to stay with its mother until he attains the age of six years.

76. Implementation:

(a) The Department of Social Welfare investigates cases of children requiring protection by reviewing the situation relating to the child, the parents, and the environment. If the child does not need protection, he is returned to the custody of the parents, with or without a pledge or guarantee for the child's welfare. Protection and care are given by the State to children without parental guidance, incorrigible children and those needing medical care and moral reformation;

(b) The situation in relation to the child, the family and the environment is taken into consideration in investigating children who are liable to commit offences. Of these children, only those who need moral reformation are sent to training schools, while others are admonished and returned to the custody of their parents;

(c) The Department of Social Welfare takes care of orphans, incorrigible children, destitute children, disabled children and children who have committed offences at the training schools. By promoting self-reliance, these children are taught to live with dignity in society and to stand on their own feet.

C. Family reunification (art. 10)

77. Myanmar has neither problems of war refugees nor problems of separation of families caused by war.

D. Children deprived of a family environment (art. 20)

78. Legal context: Section 32 of the Child Law states that a child is in need of protection and care who has no parents or guardians, who earns his living by begging, who is so depraved a character that he is uncontrollable by his parents or guardian, who is in the custody of cruel or wicked parents or guardians, who is of unsound mind, and who is afflicted with a contagious disease and who uses a narcotic drug or a psychotropic substance.

79. Implementation:

(a) Investigations of children in need of protection and care are carried out by the Department of Social Welfare and those who do not need

protection are returned to their guardians. Children who are in need of the protection are sent to training schools for reform and some are sent to homes for protection. Medical treatment is given to those who need medical treatment;

(b) The Department of Social Welfare has established nine youth training schools for both sexes, and supports the 120 volunteer youth welfare homes. Voluntary night classes are set up for those children to enable them to pursue their education in the primary level.

E. Adoption (art. 21)

80. Legal context:

(a) Section 17 of the Child Law states that every child shall have the right to be adopted in accordance with law; that the adoption shall be in the interests of the child; and that the adoptive parents shall be responsible for the care and custody of the child to ensure that there is no abduction to a foreign country, sale or trafficking, unlawful exploitation, unlawful employment, maltreatment, or pernicious deeds and illegal acts;

(b) A couple are allowed to adopt a child in accordance with the rules. However, they must follow the regulations for adoption laid down by the Department of Social Welfare. Some of the regulations are (a) the child must have the right to inheritance, (b) the parents must take the responsibility of their adopted child's good deeds as well as bad deeds; (c) parents must not hand over the child to another person; (d) parents must not sell the child or give him away temporarily, (e) parents must not take or send the child abroad, not even for a short period, without the consent of the Department of Social Welfare before the child attains 18 years of age;

(c) If the couple follow the regulations, the contract of adoption takes place. However, legal action will be taken if they fail to follow the regulations and the child will be sent back to the custody of the Department of Social Welfare;

(d) After adoption, the parents can name their adopted child, but they must report the name, and also if there is a change of name, to the Department of Social Welfare. Progress reports on health, education status, etc. must be sent regularly to the Department of Social Welfare once a year. If the adopted child is a girl, the Department of Social Welfare must be informed of the exact date of her marriage. Legal action will be taken against those who do not fulfil the parental duties, and who fail to give care and protection to their adopted child.

81. Implementation:

(a) Measures are taken by the Department of Social Welfare for adoption of the children under their care in accordance with the Adoption Law. People who want to adopt a child have to apply to the Department of Social Welfare stating their reasons. The Department of Social Welfare reviews the application and, based on the findings, decides whether to give permission;

(b) The Department of Social Welfare has given permission for the adoption of 54 children between the ages of newly born to five years under their care during the period 1989-1993 with the aim of the children receiving parental love and protection.

F. Illicit transfer and non-return of children abroad (art. 11)

82. Legal context:

(a) The Penal Code, section 361, states that taking or enticing any minor under 14 years of age in the case of a male, or under 16 years of age in the case of a female, or any person of unsound mind, from the charge of the lawful guardian without his or her consent is tantamount to kidnapping the minor from the lawful guardianship;

(b) Section 363 states that whoever kidnaps any person shall be punished with imprisonment for a term which may extend to 7 years, and shall also be liable to a fine;

(c) The Code of Criminal Procedure, section 552, states that upon complaint made under oath to a district magistrate of the abduction of a child under the age of 16 years, for any unlawful purpose, the district magistrate may, after such inquiry into the truth of the complaint as he may consider necessary, make an order for the immediate restoration of such child to his parent, guardian or other person having the lawful charge of such child, and may compel compliance with such order, using such force as may be necessary.

G. Abuse and neglect (art. 19), including physical and psychological recovery and social reintegration (art. 39)

83. Legal context:

(a) Section 65 of the Child Law states that whoever commits any of the following acts shall, on conviction, be punished with imprisonment for a term which may extend to six months or with a fine which may extend to K1,000 or with both:

(i) Employing or permitting a child to perform work which is hazardous to the life of the child, which may cause disease to the child or which is harmful to the child's moral character;

(ii) Taking a child to or allowing him to enter a place where only alcohol is sold; sending the child to buy alcohol; selling alcohol to the child; permitting the child to take alcohol; employing or permitting the child to work in a business which trades in alcohol;

(iii) Urging, inducing or abetting the child to gamble;

(iv) Accepting as pledge any property from a child or abetting a child in any manner to pledge property;

(v) Purchasing any property sold by a child, with the exception of purchasing property from a child who earns a livelihood by selling;

(vi) Inducing a child to escape from a training school, home, temporary care station or custodian; abetting the runaway; harbouring, concealing or preventing the child from going back to the place from which the child has escaped;

(b) Section 66 of the Child Law states that whoever commits any of the following acts shall, on conviction, be punished with imprisonment for a term which may extend to two years or with a fine which may extend to K10,000 or with both:

(i) Failing to take action knowing that a girl under his guardianship who has not attained the age of 16 is earning a livelihood by prostitution;

(ii) Permitting a child under his guardianship to live together or to consort with a person who earns a livelihood by prostitution;

(iii) Employing a child to beg for his personal benefit; failing to prevent a child under his guardianship from begging; making use of the child in any manner in his livelihood of begging;

(iv) Wilfully maltreating a child (with the exception of admonition by a parent, teacher or a person having the right to control the child, meant for the benefit of the child);

(v) Inserting and announcing information revealing the identity of a child who is accused of having committed an offence or who is participating as a witness in any case, in the radio, movies, television, newspapers, magazines, journals or publications and displaying or making use of the photograph of the child without the prior consent of the relevant juvenile court;

(vi) Using the child in pornographic cinema, video, television or photography.

84. Implementation:

(a) In line with the Child Law, adults who commit any acts that hinder, disturb or destroy the benefits of a child are punished with imprisonment for a term or with a fine or with both;

(b) Appropriate rehabilitation measures are being taken to protect children from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation. These children are systematically admitted to appropriate schools where academic as well as vocational training and supplementary care are given to them according to rehabilitation scheme. During their stay depending on their age and

intelligence level, relevant programmes which promote self-reliance and facilitate the child's active participation with the community are taught.

H. Periodic review of placement (art. 25)

85. Legal context:

(a) Section 33 (a) of the Child Law states that whoever is of the opinion that any child mentioned in section 32 should be protected and cared for by the State may inform the relevant Social Welfare Officer stating the facts of the case. The Social Welfare Officer shall, on receipt of the complaint, or if he has personally received information in any manner, make investigations in the manner prescribed to determine whether or not the child needs the protection and care of the State and submit his findings together with his opinion to the Director-General. During the investigation, the Social Welfare Office has to entrust the child to the parents or guardian on execution of a bond or send the child to a temporary care station, before receiving the decision of the Director-General. If the Director-General finds on scrutiny that the child needs the protection and care of the State according to the report submitted by the Social Welfare Officer, he will send the child to a training school or entrust the child to a home or to a custodian or cause the child to be supervised by a probation officer or send the child to the relevant hospital for medical treatment;

(b) According to section 37 of the Child Law, a police officer or a person authorized to take cognizance must send the child to the relevant juvenile court as soon as possible. If the child cannot be sent as soon as possible to the juvenile court, the child may be released on execution of a bond or may be sent to a temporary care station or to another appropriate place;

(c) The Juvenile Court shall, before passing an order on a child who is found guilty, take into consideration the age and character of the child, the environmental circumstances of the child, the motive for committing the offence, the report submitted by the probation officer and other circumstances which are required to be taken into consideration in the interests of the child, and pass an order which is reformative and which will be beneficial to the child;

(d) Children who are separated from their families and who need protection and care by the State are admitted to training schools operated by the Government or non-governmental voluntary organizations, and if there is improvement in the moral character of children within a year, they are sent back to the custody of the parents or guardians concerned with or without a bond;

(e) The Director-General of the Department of Social Welfare may exercise his power to inspect or cause to be inspected by a suitable person or any committee, training schools and temporary care stations established or recognized under the Child Law;

(f) According to section 59 of the Child Law, the Minister of Social Welfare, Relief and Resettlement may:

(i) Pass an order at any time to release, either absolutely or subject to conditions, a child committed to the custody of a training school or a custodian under the Child Law;

(ii) Pass an order to transfer a child undergoing imprisonment to a training school or to a custodian till the day he attains the age of 18 years, if it is considered beneficial for the child;

(iii) Pass an order so that the remainder of the term of imprisonment of a child who has been transferred under subsection (b) and who is behaving well, shall not have effect;

(iv) Cause to have effect the remainder of the term of imprisonment of a child who has been transferred under subsection (b) and who does not behave well. In so doing, the period of stay of the child at the training school or with the custodian, shall be reckoned as the term of imprisonment undergone.

VII. BASIC HEALTH AND WELFARE

A. Survival and development (art. 6, para. 2)

86. Legal context:

(a) Section 9 (a) of the Child Law states that every child has the inherent right to life. The Penal Code, sections 312 to 318, prescribes punishments for causing miscarriage, sterilization of a woman by surgery, sterilization of a man by surgery, allowing oneself to be sterilized by surgery, death caused by sterilization by surgery, causing miscarriage without a woman's consent, death caused by an act done with intent to cause miscarriage, an act done with intent to prevent a child being born alive, causing the death of an unborn child by committing an act likely to cause the death of a pregnant woman, exposure and abandonment of a child under 12 years by a parent or person having the care of it, and concealment of birth by secret disposal of the dead body;

(b) Relating to the responsibilities of the Ministry of Health, section 19 (a) of the Child Law states that every child has the right to enjoy health facilities provided by the State and section 19 (b) states that the Ministry of Health shall: (a) lay down the carry out measures for the survival of the child, immunization of the child, breast-feeding of the child, family planning, adequate nutrition for the child, elimination of iodine deficiency disease, school health and family health; (b) lay down and carry out appropriate measures for the gradual abolition of traditional practices prejudicial to the health of the child; (c) carry out measures to minimize the child mortality rate and to maximize the population of healthy children.

87. Implementation: Committees to combat and prevent AIDS, malaria and tuberculosis have been established under the umbrella of the National Health Committee. In addition, the State Law and Order Restoration Council issued a

directive in 1993 to law and order restoration councils at different levels to give support to the activities of non-governmental organizations such as the Myanmar Maternal and Child Welfare Association, the Myanmar Medical Association, the Myanmar Red Cross Association, etc.

B. Disabled children (art. 23)

88. Legal context:

(a) As mentioned in section 18 of the Child Law, a mentally or physically disabled child shall enjoy basic education (primary level) or vocational education in special schools run by the Department of Social Welfare or private individuals or non-governmental organizations; he should have the right to enjoy special care and assistance provided by the Government; should enjoy a full and decent life in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community;

(b) As mentioned in Disabled Person Employment Act 4 (3) enacted in 1958, the President can form a new department or organization to provide vocational education and medical care to those who are physically disabled or mentally defective;

(c) According to section 32 (c) of the Child Law, mentally defective children are regarded as children who need protection and care. Thus, section 34 (d) of the Child Law states that the Director-General of the Department of Social Welfare has the right to send mentally defective children to a mental hospital for treatment.

89. Implementation:

(a) According to the rehabilitation programmes for blind, disabled and deaf people, the Department of Social Welfare provides them with academic and vocational education as well as supplementary care. The Ministry of Health is responsible for curing and rehabilitation services. The rehabilitation centre (hospital) in Yangon was converted into a main rehabilitation centre where disabled children receive priority for medical care. To make education accessible for disabled children, the Department of Social Welfare established one special school each for mentally retarded children, for the blind and for the deaf and dumb. In addition to these, non-governmental volunteer organizations organized three schools for the blind and one school for the deaf and dumb on a self-reliance basis;

(b) Myanmar was represented at the meeting to launch the Asian and Pacific Decade of Disabled Persons held in Beijing from 1 to 5 December 1992. Myanmar also signed the Proclamation on the Full Participation and Equality of People with Disabilities in the Asian and Pacific Region on 10 February 1993.

90. Constraints: The cooperation of Departments concerned is essential in order that disabled children will be able to attend school like normal children. However, due to a lack of special training on the part of the teaching staff in handling disabled children, these children have to face many problems and difficulties in attending school with normal children.

C. Health and health services (art. 24)

91. Legal context:

(a) To promote health conditions of all people, including children, the Union of Myanmar Public Health Law was enacted in 1972 and the Drugs Law was enacted in 1993. The Public Health Law covers activities relating to environmental sanitation, protection of household goods and consumer goods, running of private clinics, etc. The Drugs Law was laid down with a view to enforce people to utilize drugs, pure and good in quality, free from danger, and superior in effectiveness. The law also states the detailed functions of the Food and Drug Control Committee which was established with the aim to provide food, pure and good in quality and free from danger;

(b) In the Union of Myanmar, according to section 21 of the Nursing and Midwifery Law, a person without a proper licence is not allowed to give nursing or maternity services. This law enforces and supports safe and secure childbirth. Section 15 (f) states that child-birth licence holders should provide full and utmost care and attention for the health of the child and the mother which is essential for the health of children;

(c) In order that non-governmental organizations can engage in maternal and child-care activities on a non-profit basis, the Union of Myanmar Maternal and Child Welfare Law was enacted in 1990. In line with that law, maternal and child welfare associations that are organized at different levels from national to village levels, provide health care to mother, child and families all over the country;

(d) Children who are afflicted with a contagious disease are regarded as children who need protection and care according to section 32 (b) of the Child Law. According to section 34 (c) of the Child Law the Director-General of the Social Welfare Department shall lay down and carry out necessary arrangements if he finds on scrutiny that the child needs the protection and care of the State according to the report submitted by the Social Welfare Officer; in the case of a child who is afflicted with a contagious disease, sending the child to the relevant hospital for medical treatment;

(e) Section 19 of the Child Law states that every child has the right to enjoy health facilities provided by the State. It also states that the Ministry of Health shall lay down and carry out measures for the survival of the child, immunization of child, breast-feeding of a child, family planing, adequate nutrition for the child, elimination of iodine deficiency disease, school health and family health, gradual abolition of traditional practices prejudicial to the health of the child, minimization of the child mortality rate and maximization of the population of healthy children.

Health goals for children and women

92. Legal context: In the Union of Myanmar, national plans of action relating to the survival, protection and development of children had been laid down. They are:

(a) Reducing the infant mortality rate from 94 to 50 per 1,000 live births by the year 2000;

(b) Reducing the under-five mortality rate from 147 to 70 per 1,000 live births by the year 2000;

(c) Reducing the maternal mortality rate from 147 to 70 per 100,000 live births by the year 2000;

(d) Eradicating polio by the year 2000;

(e) Eliminating non-metal tetanus by 1995;

(f) Achieving a 90 per cent Expanded Programme of Immunization (EPI) coverage rate against the six childhood diseases;

(g) Providing universal access to information and services in relation to birth spacing to 60 per cent of the specified population by the year 1995;

(h) Reducing the rate of severe malnutrition among children under three from 11 per cent to 5 per cent by the year 2000;

(i) Reducing the rate of severe and moderate malnutrition among children under three from 37 per cent to 19 per cent by the year 2000;

(j) Reducing the rate of low birth weight from 24 per cent to 10 per cent by the year 2000.

93. Implementation:

(a) Since 1948 when Myanmar regained her independence, the Ministry of Health has taken responsible measures for child care and maternal health. Primary health care was provided as People's Health Programme-I (1978-1982), People's Health Programme-II (1982-1986), People's Health Programme-III (1986-1990) and National Health Programme (1990-1992) since 1978. Family health and care was included in the National Health Programme and in that programme necessary measures are taken to reduce children's diseases and the mortality rate of children;

(b) In 1993 the National Health Policy and the national policy on population (draft), in which two important policies on maternal and child health were included, were promulgated. They are:

(i) To raise the national health standard and to promote people's physical and mental well-being in line with the motto "Health for all by the year 2000" by providing primary health care;

(ii) To follow the guidelines relating to the national policy on population.

(c) All families have to participate in the birth spacing programme according to the guidelines relating to the national policy on population. That policy was put into practice by the Maternal and Child Care Health

Centres, Maternal and Child Welfare Associations and school health centres in both big and small towns. In rural areas, rural health centres and related rural health sub-centres are taking the necessary steps to put that policy into practice;

(d) As related to child care and health, a child hospital was established in Yangon. In state and divisional-level hospitals, special branches for children's health were extended. Township-level hospitals are also taking care of children's health. While maternal and child health centres and maternal and child care associations are taking responsible actions for children's health in urban areas, rural health centres and related rural health sub-centres are taking necessary measures for children's health in rural areas;

(e) Based on the workforce of health workers, viz. health assistants, nurses, midwives, people's health supervisors and volunteer health workers, the following actions are taken to raise the level of children's health:

(i) Child Survival Programme, including primary health-care provisions for the survival, protection and development of children;

(ii) EPI against the six childhood diseases (tuberculosis, diphtheria, whooping cough, tetanus, poliomyelitis, measles) that usually occur in children under one year of age;

(iii) Programme for breast-feeding of all children;

(iv) Programme for birth spacing and maternal and child health;

(v) School health activities for children of school age;

(vi) Activities relating to the reduction of iron deficiency anaemia;

(vii) Birth-spacing programme in line with the guidelines of the national policy on population to promote child and maternal health;

(viii) Dissemination of information on health to mothers by health workers;

(ix) Establishment of rehabilitation centres for the provision of basic exercises for disabled children;

(x) Conducting sports activities and competitions for the disabled, including disabled children, by the Department of Sports and Physical Education;

(xi) Measures by the environmental sanitation section of the Department of Health to obtain safe drinking water;

(xii) Increased measures to prevent accidental injuries to children.

(f) The Myanmar Medical Association (MMA) is carrying out the following activities for children:

(i) Conducting the Paediatrics Part I examination every two years;

(ii) In yearly Training of Trainers, information on acute respiratory infection (ARI), control of diarrhoeal disease (CDD), hepatitis, universal child immunization (UCI), nutrition, dengue haemorrhagic fever (DHF), HIV/AIDS, etc., relating to child health are included so that this knowledge can be re-disseminated at refresher courses at state/divisional or township levels;

(iii) Mobile training unit conducts training on child health;

(iv) Regular seminars on medical education are conducted every year and a conference on child health is conducted every two years by the MMA;

(v) Dissemination of health knowledge is done through various programmes. Matters of prevention and care of common diseases are printed on the annually-produced calendars, pamphlets, brochures, T-shirts, posters, lectures and discussions are extensively used, followed by TV programmes on health education for the masses;

(vi) A paediatrics textbook was prepared for use in medical colleges and distributed at a low price to medical students. The Paediatrics Bulletin and New Look Medical Memo for medical doctors are also distributed regularly;

(vii) Necessary help and assistance are provided to national health-care programmes and activities including UCI, ARI, CDD, family planning, baby-friendly hospital initiative, AIDS, nutrition, etc.;

(viii) Nationwide participation in the 1990 UCI programme, jointly sponsored by the Department of Health and UNICEF;

(ix) Important research related to the implementation of health programmes is conducted resulting in the presentation of research papers of world standard. Dr. U San Baw's prize of K 5,000 to the most outstanding researcher is awarded yearly;

(x) In honour of World Breast-feeding Day, lectures, discussions and workshops were conducted. The baby-friendly hospital initiative was successfully carried out and necessary

preparations are being made to introduce baby-friendly hospital initiative activities in clinics all over the country;

(xi) Representatives from MMA are cooperating with the National Health Committee, the National Committee for the Prevention of AIDS, the National Malaria Protection Committee and the National Committee for the Protection of Children's Rights in various activities relating to children's health.

Provision of safe drinking-water and sanitation

94. Since 1978 attempts have been made to provide safe drinking-water at hospitals, clinics and schools in rural areas, covering 255 hospitals, 278 rural health centres and 802 primary schools. Up to 1993, in urban areas, provision of safe drinking-water covers up to 38 per cent of people and provision of access to safe means of human excreta disposal covers up to 44 per cent, while in rural areas, provision of safe drinking-water covers up to 36 per cent and provision of access to safe means of human excreta disposal covers up to 39 per cent. Special efforts are made to provide safe drinking-water and sanitation to meet the target by the year 2000. As the Ministry of Agriculture and the Department of Mechanized Farming are taking necessary measures to provide water in rural areas, since 1989, 2,240 machine-driven tube wells, 9,538 hand-driven tube wells, 17 community water-supply systems, 8,250 hand pumps, 14 solar energy used water pumping machines have been provided.

D. Social security and child care (art. 26)

95. Legal context:

(a) For those employees who are entitled according to the Myanmar Social Security Act, provisions are made to enjoy benefits for illness, childbirth, injury or accident in the workplace, and death. There is no social security law for children;

(b) Section 50 of the Factories, Mills and Work Establishments Law states that in a workplace where more than 50 women are assigned, a suitable room or a special room must be provided for children under five of the women employees. It also states that the room must be well equipped and clean and it must be put under the supervision of qualified women who can take care of the children;

(c) Section 57 of the Child Law states that the Director-General of the Department of Social Welfare may establish local residential nurseries for the nursing and care of children who have not attained the age of five years;

(d) There are many-primary schools and day-care centres established by the Government and by the community on a self-help system. According to section 58 of the Child Law, the Director-General of the Department of Social Welfare exercises his power to supervise, inspect, give guidance, render expertise and give support as may be necessary.

96. Implementation: To take care of children of school age, health organizations are taking necessary measures in school health inspection, the provision of nutritious food to children, and the dissemination of health knowledge and education. In order to look after or to take care of children with nutrition deficiency, children with moderate malnutrition are taken care of at public nutrition development centres while those with severe malnutrition are taken care of at the nutrition centres in the hospitals with the help of the Myanmar Maternal and Child Welfare Association.

97. Constraints: The Government is allocating more and more funds year after year for health matters. But the budget is not adequate to cover the health needs of the growing population. Even though there is community participation in carrying out people's health matters, increased participation is further needed on the part of the community. In the same way, the cooperation of different ministries and departments is also needed in order to carry out people's health matters successfully and extensively. In addition adequate and reliable facts, information and data relating to health matters are greatly needed.

VIII. EDUCATION, LEISURE, RECREATION AND CULTURAL ACTIVITIES

A. Education, Vocational Education and Guidance (art. 28)

98. Legal context:

(a) The State Law and Order Restoration Council enacted the Child Law (Law No. 9/93) on 14 July 1993. Section 20 (a) of the Child Law states that every child shall: (a) have opportunities of acquiring education; (b) have the right to acquire free basic education (primary level) at schools opened by the State. Section 20 (b) of the Child Law states that the Ministry of Education shall: (a) have an objective of implementing the system of free and compulsory primary education; (b) lay down and carry out measures as may be necessary for regular attendance at schools and the reduction of untimely drop-out rates; (c) make arrangements for literacy of children who are unable for various reasons to attend schools opened by the State;

(b) According to the 1973 Union of Myanmar Basic Education Law, one of the main objectives of basic education is to enable every citizen of the Union of Myanmar to become a physical and mental worker well equipped with basic education, good health and moral character;

(c) In the national plan of the Union of Myanmar for the survival and protection of children, it is mentioned that universal access to basic education will be ensured by increasing the net primary school enrolment ratio from 62 per cent to 100 per cent, and the completion rate for basic education will be increased from the present 25 per cent to 80 per cent by the year 2000;

(d) According to 1974 Union of Myanmar Technical, Agricultural and Vocational Education Law, with reference to the functions and duties of the Technical, Agricultural and Vocational Education Council, a provision is made

for those who cannot continue basic education because of various reasons to receive vocational education by recommending them to the Ministry of Education.

99. Implementation:

(a) To ensure universal access to basic education for all children of school age, more and more schools are opened all over the country. On average, there is one school for every two villages. The number of schools opened varies from place to place depending on the density of population and location of villages. In Yangon Division and Mon State, where population is more dense, every village has one school each. In Shan State, where population is thin and villages are scattered, on average, one school is opened for every four villages. In remote, rural and border areas more and more schools are opened. Especially in those border areas where the need of opening more schools is acute, schools are opened for the development of border areas and national races;

(b) To provide education accessible to all and for all-round development of children who are living in border and remote areas, the University of National Races, which is in Ywathitgyi, Sagaing Division, has been training teachers since 1964. Teachers who are working in special border and remote areas such as Kachin North, Kokant, Wa, Kyaington (East) and Mawpha are enjoying twice the amount of their normal salary. For the development of border areas and national races, in cooperation with the Social Welfare Department, the Home Industries Department and the Cooperative Department in some places and in cooperation with the defence services organizations in some places, short-term vocational training is given in such fields as sewing, cooking, knitting, carpentry, hairdressing and masonry. In addition to that, a mobile teaching unit is conducting vocational education training courses in Yangon, Bago and Tanintharyi Divisions, and Kachin, Mon and Shan States;

(c) To train physically, mentally and all-round developed children for the State, extracurricular activities are carried out in primary and middle schools. Training in arts and physical fitness is given to children. Pre-vocational subjects have been introduced in 120 basic schools. The vocational education channel is open in technical, agricultural and vocational schools for those who cannot continue basic education for various reasons. For those who complete middle school, an opportunity is given to receive vocational education in technical high schools, agricultural high schools and in other vocational training schools such as schools of domestic science, handicrafts, machinery repair and maintenance, commercial subjects and fishery. In addition, short training courses in sewing, cooking, knitting and embroidery are arranged for women and carpentry, masonry and hairdressing are conducted for men;

(d) Talks on the dangers of narcotic drugs are conducted in schools to protect children from the danger of narcotic drugs. Competitions on the creation of educative posters and cartoons are held and winners are honoured. Talks on preventive measures relating to the use of narcotic drugs and AIDS are also arranged. Physical fitness and sports competitions are held for schoolchildren while physical instructor training courses are given for teachers;

(e) There is an increase in the rate of school attendance of primary school children from five to nine years of age, from 62 per cent in 1990 to 75 per cent in 1992/93. The total number of students attending basic schools is nearly 7.4 million of whom nearly 6 million (80 per cent) are in the primary section. Out of 7.4 million student population, 3.6 million are female; the Government provides equal basic educational opportunity for boys and girls;

(f) From 1982/83 to 1992/93, more than 40 per cent of basic education schools were opened which directly increased the student population to 26 per cent. In order to make the student-teacher ratio equitable, more teachers were appointed during that period. To increase access to education, the Government is increasing its momentum in the opening of new schools and appointment of more teachers. Since the State Law and Order Restoration Council took over the duties of the State, 232 State high schools, 360 State middle schools and 5,000 State primary schools were opened and teacher training courses were extended to train teachers who were not yet qualified;

(g) In 1992/93 the budget allocation for basic education reached 13.5 per cent of the total budget for the whole country. The total budget for education is 18.8 per cent of the total budget for the whole country. Seventy-five per cent of the budget for education is allocated for basic education. The budget allocation for education in 1983/84 was K 79.9 million and has increased to K 345.6 million in 1992/93;

(h) Schools have been opened, more teachers appointed and free education and free tuition systems introduced all over the country. Textbooks and stationery are distributed by the State at reasonably low price to lessen the burden of educational expense of the parents and children;

(i) The curriculum is the same for all basic schools. There is no separate curriculum for a specific locality or a specific national race group. All children get the opportunity to learn from the same curriculum. But national race groups are enjoying the opportunity to teach their children in their own languages;

(j) Educational development activities are carried out in collaboration with United Nations agencies. The Ministry of Education, UNDP and UNESCO have been engaged from August 1990 to April 1993 in a joint effort to evaluate the current state of education in the country and to formulate sectoral development strategies and action programmes. The Ministry of Education, UNDP and UNESCO are also engaged in the joint effort in strengthening and upgrading of teacher training colleges (TTCs) and teacher training schools (TTSs). Under this joint effort US$ 247,614 were used for the provision of teaching aids in TTCs and TTSs, for sending the teacher trainers abroad to upgrade their qualifications, for conducting workshops and for developing the education sector for national races in border areas;

(k) Following the signing of the Declaration of the World Conference on Education for All held in Jomtien, Thailand, by the Union of Myanmar, the formulation of strategies and meetings and discussions on "Education for All", paved the way for the preparation and formulation of the national programmes of action in 1993. The Basic Education Department and UNICEF jointly

conducted a workshop on "Education for All" (primary education) in August 1992. A workshop on "Education for All" (non-formal education) was also held in September 1992. A national "Education for All" seminar was carried out in November 1992. The Myanmar Education Research Bureau and UNICEF made a joint effort to carry out a research on functional non-formal education. They also carried out a project on the expansion of skill-based literacy programmes for women and girls which resulted in the production of reading materials, charts, posters, teaching aids and 12 basic level reading materials. A series of non-formal education workshops were carried out. To assist in non-formal education activities, UNESCO's appeals training materials for literacy personnel were translated into the Myanmar language;

(l) In carrying out the national programmes of action, project activities undertaken jointly with United Nations agencies are also included. The Department of Basic Education and UNICEF started a joint effort in 1991 on a continuous assessment and progression system project with a view to increasing the rate of completion of primary education through a qualitative improvement in primary education. The continuous assessment and progression system has been introduced in 272 townships covering 3,088 primary schools. Due to this system, there has been an increase in regular school attendance and a decrease in the drop-out rate. To promote the quality of teachers, the Department and UNDP jointly carried out a project to improve primary education in rural areas which was implemented in seven townships on an experimental basis. The joint efforts of the Department and UNDP to increase access to primary education in rural areas and the "All Children in School" project helped increase access to primary education which will lead to the successful implementation of national plans of action;

(m) Attempts are being made to increase access to primary education through monastic education and up to 6 February 1994, 1,019 monastic schools were opened in 179 townships in various states and divisions. The aims of monastic education are to make universal access to the basic elements of primary education (reading, writing and basic arithmetic), to facilitate learning and to reduce the cost of schooling, to train good citizens with good moral conduct who can contribute to the welfare of the State, who understand Myanmar culture and traditions and accept them with high appreciation, who lead their lives according to the teachings of Buddha, who can maintain and flourish the future Buddhist sasana as good Buddhists, who can preserve and develop their nationality, language, culture and religion.

100. Constraints: As a developing country there is an increase in population in the Union of Myanmar with a corresponding population growth of children. There are a considerable number of school-age children who are not attending school. Only 75 out of 100 school-age children attend school. It has also become necessary to increase the rate of primary school graduates since 30 per cent of primary school children complete the primary cycle, and thus, the school drop-out rate is very high. There is a variation in the rate of primary school completion in urban and rural areas. According to the survey, 50 per cent in urban areas and 25 per cent in rural areas complete the primary cycles. Thus, the high drop-out rate and failure rate (repetition rate) at the primary level represents a great waste in education. The promotion rate at every grade in primary level is 15 per cent on average, while the drop-out rate is about 16 per cent. Thus, more schools are opened, more teachers are

appointed, more teachers are trained and curricula revised to improve primary education. Education projects jointly sponsored by the Government, UNDP and UNICEF contribute to the qualitative improvement of primary education.

B. Aims of education (art. 29)

101. Legal context:

(a) According to the 1973 Union of Myanmar Basic Education Law, the main objectives of basic education are mentioned in chapter 3, as follows:

(i) To enable every citizen of the Union of Myanmar to become a physical and mental worker well equipped with a basic education, good health and good moral character;

(ii) To lay foundations for appropriate vocational education and training;

(iii) To give precedence to the teaching of science capable of strengthening and developing the productive forces;

(iv) To give priority to the teaching of arts capable of preserving and developing the culture, fine arts and literature of the State; and

(v) To build a firm base for the pursuance of university education.

(b) The 1973 Union of Myanmar Basic Education Law, chapter 5 (c) relating to the duties of the Basic Education Council, prescribes compulsory basic education of children at an appropriate time and up to a suitable stage of learning as one of its specific tasks.

102. Implementation:

(a) The aim of education is to train students to become physically, mentally and all-round developed citizens. Necessary changes are therefore made in the education system to meet the changing economic and administrative conditions of the country. The Government, teachers and the public in general are working together to achieve better results in the field of education;

(b) Moral education is introduced in the Basic Education Curriculum for the moral development of schoolchildren. Talks and competitions on the danger and prevention of narcotic drugs and AIDS are regularly conducted in schools for schoolchildren;

(c) School health teams make regular checks on the health conditions of students according to their age with the aim of helping children to become healthy citizens and gain basic good habits of personal cleanliness and hygiene.

C. Leisure, recreation and cultural activities (art. 31)

103. Legal context:

(a) Section 23 of the Child Law states that every child has the right to rest and recreation and to engage in play; participate in sport activities appropriate to his age; participate in cultural and artistic activities;

(b) The Myanmar National Olympic Council Law was promulgated in 1993. In that Law, section 13 states that the Myanmar National Olympic Council can organize the Myanmar Athletics and Physical Education Committee to effectively and successfully carry out activities relating to sports and physical education of the people. Under the Committee, various sub-committees are formed at state and divisional levels, district levels, township levels and village tract levels. The programmes of these committees are geared towards the development of health and fitness of all people through sports and physical education activities, training of outstanding athletes, opening of the modern Institute of Sports and Physical Education and the University of Sports and Physical Education, changing sports and physical fitness activities from those of a group of interested persons to that of the masses;

(c) According to the Culture University Law which was promulgated in 1993, a Culture University was established. Section 5 of the Culture University Law states that all existing cultural institutions at the time of the opening of the Culture University are treated as affiliated institutions of the Culture University. Section 6 of the Culture University Law states that culture institutions and schools affiliated with the Culture University can be established as required.

104. Implementation:

(a) Sports competitions are held for children who are physically strong and fit, who love that country, nationality and culture; and for the continuous emergence of outstanding young athletes. The Department of Basic Education carries out instructor courses for physical education with the help of the Myanmar Sports and Physical Education Committee. Sports and physical education is a part of the school curriculum in schools;

(b) In the same way, training is held to maintain and develop culture and literature and physical fitness. Competitions on essay writing, singing, dancing, playing musical instruments, painting and sculpture are held yearly all over the country.

IX. SPECIAL PROTECTION MEASURES

A. Children in situations of emergency

105. Children of refugee status: There are no children of refugee status in Myanmar.

B. Children in conflict with the law (art. 22)

1. The administration of juvenile justice (art. 40)

106. Legal context:

(a) Section 37 of the Child Law states that a police officer or a person authorized to take cognizance shall abide by the following when arresting a child accused of having committed an offence:

(i) The child shall not be handcuffed or tied with a rope;

(ii) The child shall not be kept together with adult prisoners; if it is a girl, she shall be under protection with a woman guard;

(iii) The child shall not be maltreated or threatened;

(iv) The child shall not be sent together with adult prisoners from one place to another; if it is a girl, she shall be sent with a woman guard;

(v) The parents or guardian concerned shall be informed as soon as possible;

(vi) The arrested child shall be sent up to the relevant juvenile court as soon as possible;

(vii) The child shall be released on execution of a bond if the child cannot be sent up as soon as possible to the juvenile court under subsection (f);

(viii) The child shall be sent to a temporary care station or to another appropriate place, if the child is not released on a bond under subsection (g).

(b) Chapter 10 of the Child Law contains detailed statements relating to trial of juvenile cases. In this chapter, the power of the juvenile court to pass an order on a child without affecting the whole life of a child is clearly stated. Before passing an order on a child who is found guilty, section 44 states that the juvenile court shall consider the age and character of the child; the environmental circumstances of the child; the cause of committing the offence; the report submitted by the Probation Officer and other circumstances which are required to be taken into consideration in the interest of the child, and pass an order which is reformative and which will be beneficial to the child;

(c) Section 42 of the Child Law states that the juvenile court shall abide by the following in trying juvenile cases:

(i) The case shall be tried in a separate court or a separate building or if there is no separate court or building, in a building or room other than that in normal court hearings;

(ii) No person other than the parents, guardian, staff of the court, law officers, members of the People's Police Force on duty and not in uniform, persons directly concerned with the case and persons who have been granted permission by the juvenile court, shall be present at the place of trial;

(iii) If the child or his parents or guardian cannot or do not wish to engage a lawyer and make an application to be defended with an assistance of any appropriate person, permission to do so shall be granted;

(iv) An interpreter shall be made available if necessary;

(v) The case shall be disposed off speedily.

107. Implementation:

(a) Section 45 of the Child Law states that notwithstanding anything contained in an existing law, a death sentence, transportation for life or a sentence of whipping shall not be passed on any child. In addition to that, section 47 states that if the offence committed is not serious and the character of the child is not yet perverted the juvenile court may release him after due admonition;

(b) Depending on the nature and type of offence, there were 5,096 juvenile cases of children under 16 years of age of whom 335 children were sentenced to imprisonment, 2,179 were fined and 905 were transferred to training centres under the Department of Social Welfare for care and rehabilitation. Of the remaining children, some of them were entrusted to the custody of their parents or guardians on execution of a bond and some were released.

2. Children deprived of their liberty (art. 37)

108. Legal context:

(a) Section 16 (a) of the Child Law states that in order that every child shall not be subjected to arbitrary infringement of his honour, personal freedom and security, relevant government departments and organizations shall provide protection and care in accordance with law;

(b) Section 37 of the Child Law also states that the child shall not be handcuffed or tied with a rope when making an arrest of a child accused of having committed an offence.

109. Implementation:

(a) Since the longer it takes for the disposal of a case, the greater the chances of the child forfeiting personal freedom and falling in disgrace, section 42 (e) of the Child Law states that the juvenile court shall dispose of the case speedily. Government departments concerned are requested to help witnesses to be present at the court, and to send the child to the court in time so that the court can dispose of the case speedily;

(b) An arrest of a child accused of having committed an offence, must be made by a member of People's Police Force on duty who is not in uniform, who will accompany the child to the juvenile court without handcuffing or tying the child with a rope;

(c) The juvenile court usually passes an order to place the delinquent child in a temporary care station or with a custodian. The court does not pass an order to arrest the child.

C. Children in situations of exploitation

1. Child labour (art. 32)

110. Legal context:

(a) Section 66 (a) of the Child Law states that whoever commits any of the following acts shall, on conviction, be punished with imprisonment for a term which may extent to two years or with a fine which may extend to K 10,000 or with both:

(i) Failing to take action in full knowledge that a girl under his guardianship, who has not attained the age of 16, is earning her livelihood by prostitution;

(ii) Permitting a child under his guardianship to live together or to consort with a person who earns a livelihood by prostitution;

(iii) Employing a child to beg for his personal benefit; failing to prevent a child under his guardianship from begging; making use of the child in any manner in his livelihood of begging.

(b) Section 24 (a) of the Child Law states that every child has:

(i) The right to engage in work in accordance with law and of his own volition;

(ii) The right to employment, rest and leisure and other rights prescribed by law. Section 24 (b) states that the Ministry of Labour shall protect and safeguard in accordance with the law to ensure the safety of children employees at the place of work and prevention of any infringement or loss of their rights.

(c) Section 65 (a) of the Child law prohibits employing or permitting a child to perform work which is hazardous to the life of the child or which may cause disease to the child or which is harmful to the child's moral character.

111. Implementation:

(a) Myanmar is a member country of the International Social Security Association. In the Union of Myanmar, the Social Security Scheme was started in 1956 according to the Social Security Act enacted in 1954. For those who

are working in departments related to the Social Security Scheme, it is compulsory to have life insurance. This principle also applies to child workers who work in those departments that are enjoying the benefits of the Social Security Scheme;

(b) In the Union of Myanmar, children engage in work only in the economic enterprises of their families; as a consequence, the problem of child workers is quite rare.

2. Sexual exploitation and sexual abuse (art. 34)

112. Legal context:

(a) Sections 366 A, 372 and 373 of the Penal Code specify punishments relating to selling, hiring, disposing or inducing any person under the age of 18 years with the intent that such persons shall be employed or used for the purpose of prostitution or illicit intercourse with any person or for any unlawful and immoral purpose;

(b) Section 66 (a) of the Child Law prescribes punishments for failing to act in the knowledge that a girl under his guardianship, who has not attained the age of 16, is earning a livelihood by prostitution. In section 66 (b) punishments for permitting a child under his guardianship to live together or to consort with a person who earns a livelihood by prostitution are also mentioned.

113. Implementation:

(a) In the Union of Myanmar, prostitution is strongly prohibited and controlled legally, as well as socially. Those who earn their livelihood by prostitution are punished according to the existing law. Those who are under age are transferred or handed over to the training schools for girls, and vocational training schools for women, under the Department of Social Welfare;

(b) Prevention of AIDS is carried out with great energy all over the country and elimination of prostitution is also seriously undertaken through control and education.

3. Sale, trafficking and abduction (art. 35)

114. Legal context:

(a) Kidnapping from the Union of Myanmar, and kidnapping from lawful guardianship are defined in the Penal Code, sections 359, 360 and 361 respectively. Section 362, which deals with abduction, states that whoever by force compels, or by any deceitful means induces, any person to go from any place is said to abduct that person;

(b) Punishments for kidnapping or abducting in order to murder; kidnapping or abducting with intent secretly and wrongfully to confine a person; kidnapping; abducting or forcing a woman to marry, etc.; kidnapping or abducting in order to subject the person to devious hurt, slavery, etc.; wrongfully concealing or keeping in confinement a kidnapped or abducted

person; and kidnapping or abducting a child under 10 years with intent to steal from its person; are specified in the Penal Code, sections 364, 365, 366, 367, 368 and 369 respectively.

4. Drug abuse (art. 33)

115. Legal context:

(a) The Narcotic Drugs and Psychotropic Substances Law was enacted in 1993 to prevent the danger of narcotic drugs and psychotropic substances; to carry out more effectively measures for imparting knowledge and education on the danger of narcotic drugs and psychotropic substances and for medical treatment and rehabilitation of drug users. According to section 4 of this Law, a central body for the Prevention of the Danger of Narcotic Drugs and Psychotropic Substances was formed, and under the supervision of this central body, various working committees, such as the knowledge and education-imparting committee for students, were formed;

(b) The Narcotic Drugs and Psychotropic Substances Law, section 22 (c), states that the offender, making use of children who have not completed the age of 16 years, in the commission of the offence, shall be liable to the maximum punishment provided for such offence.

116. Implementation:

(a) Preventive measures against the danger of narcotic drugs and psychotropic substances are seriously undertaken by the Central Committee for Drug Abuse Control (CCDAC) as a national responsibility. Since the enactment of the Narcotic Drugs and Psychotropic Substances Law in 1974, effective action was taken for any offence relating to narcotic drugs and psychotropic substances. The number of registered drug users who are taking medical treatment is 53,964 all over the country;

(b) To prevent the danger of the illicit use of narcotic drugs and psychotropic substances among schoolchildren, educational talks, exhibitions, briefings and competitions are held in schools from time to time. Posters, paintings and cartoon competitions are also held and the winners are awarded prizes. Talks on the danger of narcotic drugs and the prevention of AIDS are also given on various occasions at township as well as village levels;

(c) The Department of Social Welfare, in collaboration with the Department of Health, opened rehabilitation stations in Yangon, Mandalay, Myitkyina, Lashio, Kyaintone, Pyay (Wet-hti-kan). Pekon (Ka-the-kwin) and Nantlatt, where drug users who have taken medical treatment, are trained.

D. Children belonging to a minority or an indigenous group

117. Legal context:

(a) Section 14 of the Child Law states that every child shall, irrespective of race, religion, status, culture, birth or sex, be equal before the law and be given equal opportunity;

(b) For the progress and advancement of border areas and national races, the Development of Border Areas and National Races Law was enacted in 1993. One of the five objectives stated under this Law is to cherish and preserve the culture, literature and customs of the national races. The Development of Border Areas and National Races Law, section 4, deals with the formation of the Central Committee and section 5 deals with the duties and powers thereof. One of the duties of the Central Committee is to lay down and carry out measures with a view to maintaining the culture, literature and customs of the national races. Section 8 of this Law deals with the duties and powers of the Ministry in respect of the implementation of the development works of the border areas and national races. Laying down programmes to disseminate knowledge and proposals for exchange of culture for the national races in the development areas, and establishing and opening schools for giving vocational education for the future of the youths of the national races are also set out in section 8.

118. Implementation:

(a) Of the 42.3 million population of the whole country of Myanmar 27.1 per cent comprises various nationalities and races. Programmes are implemented by the Ministry of Progress of Border Areas and National Races and Development Affairs to promote the living standards of these nationalities. Under the joint efforts of this Ministry and the Department of Social Welfare, a total of six domestic vocational schools have been established to enable the youth and children to earn their own living. Three parahita (welfare) schools and two youth development schools have been established to protect and give care to those children who need it;

(b) Although there is no written curriculum in their languages, the nationalities have the right to pursue their own literature. The University of National Races in Ywathitkyi is producing teachers of various nationalities to promote the spread of education in the border areas.

X. CONCLUSION

119. Since 300 BC Myanmar has existed as a sovereign independent country. A sense of decency, cordiality, friendliness and consideration for others, constitute the characteristics of Myanmar society. Though the people profess the religion of their choice in Myanmar, the majority of the people are Buddhist. As such Buddhism flourishes in the Union of Myanmar and Buddhist teachers have a strong influence on the people's way of life. As regards parental duties and responsibilities, the teachings of Buddha are embraced as the rule of conduct or moral code.

120. According to the teaching of Buddha, children are precious and treasured gems and those who receive the love, tenderness and care of adults develop into promising citizens of the country. Parents therefore attend to their child with tender and loving care. The social relations and organization of Myanmar society are based on compassion and kindness. "Obey the elders, respect the peers and have pity on the young" is a prominent motto in Myanmar society. "If you want your child to be clever, let him get his training in the community" is another popular saying. This shows that traditionally, the community leaders provide care and guidance to the children in the community.

Myanmar people also believe that the future of a country belongs to the children of the country. Thus, child upbringing is not a new agenda for Myanmar people but a traditional and day-to-day routine.

121. Protection and maintenance of children's rights corresponds to the safeguarding of human rights. In the olden days before the Child Law had been decreed, the traditional habits of Myanmar people and national races and the teachings and guidance of the community leaders ensured that children's rights and benefits were protected and well maintained.

122. Before Myanmar's signature of the Convention on the Rights of the Child the Young Offender Act and the Children Act had been enacted in 1930 and 1955 respectively, and various ministries concerned had been administering these laws.

123. The Union of Myanmar will never lose sight of the objective to protect and maintain the rights of the children. When UNESCO declared 1979 as the International Year of the Child, the Union of Myanmar celebrated the event after having thoroughly formulated national objectives. The General Assembly of the United Nations declared on 20 November 1989 that the child, for the full harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding. This resolution was endorsed and necessary measures were taken to put it into practice. Accordingly, when the International Year of the Child was celebrated in the Union of Myanmar, a future programme of action to take special care of orphans, abandoned children and children whose parents were suffering from contagious diseases, was formulated and that programme of action was implemented successfully.

124. Recent years have witnessed in the Union of Myanmar significant transformations in the political and economic spheres with the final objective of a new democratic nation. A market-oriented economy has been adopted and concomitant with the economic development of the country, meaningful steps are being taken to enhance the welfare of children.

125. After signing the Convention on the Rights of the Child, in 1991, the Union of Myanmar framed the Child Law in a more comprehensive manner and promulgated it in 1993. The Ministry concerned is putting this Law into practice. Social welfare activities of non-governmental organizations, such as Red Cross associations, religious associations and social organizations, are encouraged to participate and necessary aid and assistance are given to them. In the past, the momentum of development activities relating to children of national races in border and remote areas had been slow. Since socio-economic conditions differ in urban and rural areas, the Ministry of Progress of Border Areas and National Races and Development Affairs is performing the task of elevating the socio-economic conditions in the border areas.

126. The Department of Social Welfare is taking care of the children who have been abandoned for various reasons. In rural areas the community or local people, and the monasteries, are taking care of these children. The monastic education system endures not only in rural areas, but in urban areas also

where it helps schoolchildren to pursue formal education in an accessible manner. The Union Solidarity and Development Association is also helping in training children to be strong in moral character, discipline and mentality.

127. The Department of Social Welfare is currently engaged in research relating to the effective protection and maintenance of children's rights.

128. All over the world, three children are born every second. Out of a population of 5,700 million, the child population is nearly 2,000 million. Millions of children under five are starving in the meantime.

129. The Union of Myanmar is a developing country with an increasing population. The child population is nearly 14.9 million. As a result of the growth of population, various programmes and activities are required to be carried out to resolve the issue. In order to protect and maintain the rights of the child set out in the Convention on the Rights of the Child effectively and successfully, a National Committee on the Rights of the Child was formed. Committees at state/division and district levels were formed. The departments concerned are making concerted efforts to put the Child Law into practice effectively. The State is also receiving help and cooperation from United Nations agencies, voluntary private donors and non-governmental organizations to ameliorate the welfare of the children.